

California Libertarian News

AUGUST 1985

Editor: Bob Lehman, (213) 389-3358

JACOB CONVICTED

by Don Ernsberger

On Tuesday, July 2, Paul Jacob was found guilty of refusing to register for the draft and was sentenced to five years' imprisonment. Judge George Howard, Jr., reduced the sentence to six months, suspending the remaining four and one-half years with the stipulation that Paul work in "community service" for eight hours a week during the first two years following release. The case signals the continuation of the courts' refusal to accept "selective prosecution" arguments in draft nonregistration cases. After the trial, Jacob was held without bail and on the following day a bond hearing resulted in a no-bail decision as well. Jacob has already announced that he will appeal the decision. The jury which heard the case was presented with a clear-cut libertarian analysis of the draft, principles of individual liberty and selective prosecution argument, and nevertheless decided that Jacob was guilty as charged.

Paul's argument of selective prosecution was different from David Wayne's (the Supreme Court ruled there was no selective prosecution in his case). Paul is the only indicted resister who did not write to the government and thus "invite" prosecution, as the Supreme Court said. Jacob was also not visited by the FBI and "begged" to register before being indicted, because he could not be located. This was an important aspect of the claimed constitutionality of passive enforcement of vocal nonregistrants. The so-called "active prosecution" policy (where quiet nonregistrants are identified and prosecuted) has not been implemented as the government told the Supreme Court in the Wayne case. As Paul's lawyers wrote in one of the court pleadings, "Defendant submits that the 'active' enforcement policy is a sham to prop up an unconstitutional prosecution system." After sounding quite sympathetic in postponing the trial, and after granting the government two additional weeks to further respond to defense motions for a hearing or dismissal, Judge Howard turned around a few days later to deny the defense motions.

One of the key elements of Paul's defense was an attempt to show the rampant self-contradictions between the government persecution ("prosecution") of draft-registration refusers like him, and its ad campaign to drum up support for draft registration. In television ads, Selective Slavery Director Thomas Turnage tells listeners that those who register approve of the draft, while the government's case against Paul and others rests on the idea that nonregistration is not and cannot be a sign of "disapproval," but that rather it is a sign of criminal intent. Likewise, the five-year jail sentences held over the heads of individuals who oppose the process as slavery make a mockery of the government's argument that registration is "no big deal."

On June 27, Paul appeared with his father in a public speech. A march was held in Little Rock on June 30 and a noon rally was held outside the courtroom on the day of the trial. SIL publicly applauds the tireless educational efforts that Paul Jacob has made and applauds his individual courage in taking the heat on this issue. We urge all members to aid him by contributing to the Paul Jacob Defense Fund, Box 15724, Little Rock AR 72231.

Paul continues to be hard-core in his educational efforts. More than three million people heard Paul's radio interview on KABC last month, while some thousands saw him on "Late Night America," shown by national public television. He has been interviewed by numerous newspapers and broadcast news departments.

SIL members interested in keeping up with Paul Jacob's efforts and activities can call a news hotline that will give a one-minute recorded message: (501) 370-0439.

The above article was reprinted from "Individual Liberty," the bi-monthly newsletter of the Society for Individual Liberty. Subscriptions are available for \$8 per year from: Society for Individual Liberty, PO Box 338, Warminster, PA 18974.

TRYON RECALL HITS SNAG

Following an initial burst of enthusiasm, the folks in Calaveras County who want to recall our Libertarian Supervisor, Tom Tryon, for making statements critical of the County's "War on Drugs," may be discovering just how hard it is to get 25% of the voters to sign anything.

The recallers, led by Douglas Murray of Altaville, failed to file 784 valid signatures by July 18th, which would have put the recall on the November ballot. They still have until August 17th to collect the signatures, but now even if they succeed in collecting enough signatures, it would require calling a special election sometime in December.

Tom is not pulling any punches while the recall effort is underway as he continues to speak out on the drug issue and other issues affecting Calaveras County citizens. The news of his outspoken stands on issues is even spreading outside of Calaveras County -- see the clipping on page 3 of this newsletter from a newspaper in Stockton. Even newspapers as far away as Orange County are showing an interest in covering the story of a county supervisor who stands up for his principles.

U. S. POSTAL SNAFU

On June 30, 1985, the Wilshire Mail Center, which had been receiving mail for the Libertarian Party of California, went out of business.

Since it was a private mail receiving firm, in competition with the U. S. Postal Service's PO boxes, the Post Office is refusing to forward mail addressed to the Libertarian Party at 3963 Wilshire Blvd., Los Angeles, CA 90010.

Mail sent to our Wilshire Blvd. address is being returned to the sender, which has greatly inconvenienced our creditors, our pledgers, anyone attempting to join or contribute to the LPC, and any members (or anyone else, for that matter) who have been attempting to communicate with us since June 30th. We hope to have a new "permanent" address shortly. In the meantime, you may address any correspondence to the LPC in care of Bob Lehman, LPC State Coordinator, 691 S. Irolo Street, Apt. 1008, Los Angeles, CA 90005.

BALLOT ACCESS UPDATE

As reported in the May/June California Libertarian News, HR2320, introduced by Congressman John Conyers, would greatly reduce ballot access requirements for the Libertarian Party and others. The following Congressmen have recently joined Conyers as co-sponsors of the bill: Hayes (IL), Owens (NY), Dymally, Hawkins, Dellums & Roybal (CA), Stokes (OH), Fauntroy (DC), Crockett (MI), Savage (IL) and Mitchell (MD).

At least 20 different organizations have endorsed the bill, including the National Bankers Assn, National Bar Assn, National Newspaper Publishers, and the National Committee Against Repressive Legislation. For more information, contact Richard Winger, 3201 Baker St., San Francisco, CA 94123.

STATE EXECUTIVE COMMITTEE MEETING

The next meeting of the LPC State Executive Committee will be held August 3 - 4 in Sacramento, at the Host International (also known as the Airport Inn), at 6945 Airport Blvd. Subcommittees of the Executive Committee will meet on Saturday, August 3rd, and the full Executive Committee Meeting will begin at 9:00 am on Sunday.

On Saturday night, following dinner (\$15; \$5 for program only), a speaker from the Sacramento Sports Association will discuss the Sacramento zoning conflict which has been raging since 1979, and which involves the development of a high-tech office complex and major league stadium and arena. Greg Lukenbill, the prime mover of the Sacramento Sports Association, has been quoted in the Sacramento Bee as saying that he wanted to name the stadium "Howard Roark Stadium, because I admire Ayn Rand very much."

Also sure to be discussed during the weekend will be plans for making California's presence felt at the upcoming National LP Convention in Phoenix. Sleeping room rates at the Airport Inn are \$49 (single or double), if you mention that you are with the Libertarian Party. For Reservations, call (916) 922-8071.

Dear Editor:

As a Libertarian and a regular financial supporter of the Libertarian Party I was surprised to learn of our support for the Draft Resistance Movement as indicated on your front page report. Mr. Jacob as an individual has the right to resist and protest as his conscience dictates. The Party also has the right to support him and I have the right to believe that we have a responsibility to provide a strong National Defense to preserve and protect these rights and freedoms. I am resigning and withdrawing any financial support in protest. I shall continue to fight Big Government as an Independent.

Sincerely,
Donald C. Nystrom

Orange County Register, March 31, 1985

Legalizing drugs would cut profits and the crime

By William F. Buckley Jr.

We are with reason angry at the Mexican officials who humiliated their way through an investigation of the torture and killing of a U.S. drug agent who did what in Mexico is intolerable, namely stand in the way of graft. In Mexico, to do this is on the order of standing in the way of sex. Sex will prevail, graft will prevail.

If for a season the marijuana crop from Mexico declines, then marijuana from elsewhere — Hawaii, for instance — will increase. If there is less marijuana being smoked today than 10 years ago, it is a reflection not of law enforcement but of creeping social perception. It has gradually transpired that the stuff is more harmful than originally thought, and a culture that spends billions of dollars on health foods and barbells is taking a longer, critical look at marijuana.

We read about cocaine. In a vivid image, someone recently said that the big radars along the 2,000-mile border between Mexico and the United States begin, night after night, to track what looks like a swarm of locusts headed our way. Private planes, carrying coke to the American market.

So we bag a large number of them today, and they show up on the television news. Murray for the Drug Enforcement Agency. But then the sober evaluation comes through. Last year — a splendid year for drug apprehension — resulted in interdicting, oh, maybe 10 percent, 20 percent of the stuff coming in.

And of course the measure of success in the drug business, like that in the business of robbing banks, is, what are your chances of getting through? Answer: terrific.

The odds will always be high, when you consider that the amount of coke you can stuff into a single pocket of a man's jacket can fetch \$200,000, and that the cost of the stuff where picked up can be as low as \$1,000. A profit of 2,000 percent (modest in the business) is a powerful engine to attempt to try to stop in a free society. In other societies the answer is as simple as executing anybody caught smuggling or using dope, exit the dope problem.

So what are we going to do about it? My resourceful brother William Safire has a hot bundle of ideas aimed at catching the people who launder the profits from drugs. These ideas include changing the color of our currency, so that the boys with big sackfuls of green under their mattresses will be forced to bring them out, revealing their scarlet letters. Maybe we should breed 50 million drug-trained dogs to sniff at everyone getting off a boat or an airplane!

No, we are face to face with the rawest datum of them all, which is that the problem would not exist, except that in the United States there is a market for the stuff, and that the stuff is priced very high.

If we cannot effectively prevent its insinuating its way into the country, what is it that we can prevent? The answer, of course, is its price. The one thing that could be done, overnight, is to legalize the stuff. Exit crime, and the profits from vice.

It is hardly a novel suggestion to legalize dope. Shrewd observers of the scene have recommended it for years. I am on record as having opposed it in the matter of heroin. The accumulated evidence draws me away from my own opposition, on the purely empirical grounds that what we have now is a drug problem plus a crime problem plus a problem of a huge export of capital to the dope-producing countries.

Congress should study the dramatic alternative, which is legalization followed by a dramatic educational effort in which the services of all civic-minded, and some less than civic-minded, resources are mobilized.

Ours is a free society in which oodles of people kill themselves with tobacco and booze. Some will do so with coke and heroin. But we should count in the lives saved by having the deadly stuff available at the same price as rat poison.

Buckley is a syndicated columnist

THANK YOU

Thanks to Dan Gorham and Joe Magnin of Axios, for allowing the use of their IBM Electronic Selectric Composer in typesetting this newsletter.

Stockton Record, July 5, 1985

Libertarian politico has 'em up in arms

By KATHY GEISZLER
Of the Record Staff

ANGELS CAMP — With the same aggressiveness he used on the football field at Rio Vista High School, Calaveras County Supervisor Thomas Tryon is defending and protecting his no-nonsense approach to politics.

As a "classically conservative" Libertarian — in a rural county where Democrats outnumber Republicans — Tryon's political views have raised the eyebrows — if not the ire — of some constituents.

So many eyebrows ire, in fact, that he's facing a recall attempt after only six months into his four-year term.

The heart of the complaint is Tryon's view that so-called "victimless

crimes," such as drug use, should be legalized.

That opinion has some residents of Tryon's Fourth Supervisorial District — territory that stretches from Angels Camp up to Murphys — vowing to unseat the incumbent and replace him with a supervisor with whom they feel more comfortable.

"We shall not solve what is basically a health and personal mores problem through the police department," argues Tryon. His was the only dissenting vote when Sheriff Claud C. Ballard appeared last month before the supervisors to gain their support for the state-funded Tri-County Narcotics Task Force.

The "nay" vote came not because Tryon is in favor of drug use, as some

of his opponents charge, but instead because he says he is standing up for his political beliefs.

Tryon's roots were firmly planted in Republican soil until the late 1960s, when a combination of Richard Nixon's presidency, a soybean embargo and wage price controls changed his political outlook.

"I became totally dissatisfied with the Republicans because you had basically a very poor civil liberties platform and a very poor free market platform."

"The Libertarians were there and they were weak and very small but they basically corresponded with my views," he said. Tryon is one of 47 registered Libertarians in the county.

The Libertarian platform is strong

on civil liberties, economic freedoms and non-interventionist foreign policies, Tryon says.

"There are alternatives to the conventional two-party system," he said one recent afternoon as he paused between board meetings.

Those alternatives, advocated by Tryon during meetings, include:

- Opposition to government regulations on land use. "Government planning infringes upon the constitutionally guaranteed rights to life, liberty and property."

- Opposition to design review regulations for Highway 4, in Ebbetts Pass. "Severely inhibits the free market process."

(Please see SUPERVISOR, Page 16)

Supervisor

(Continued from Page 15)

Tryon — who returned to the family's 2,000-acre ranch at Angels Camp after becoming disillusioned as a New York City stockbroker and dissatisfied as a Fresno agricultural banker — knew his views would be controversial.

"I knew that if I were successful ... my views would probably continue to bring attention to me and that some of these views are not held by a majority of people," he said.

Tryon, often clad in work-worn denim jeans and plaid shirt, is not angry with his detractors for the recall. "They have the right within our process to circulate a petition," Tryon said.

He hopes all county residents will carefully read literature he's

recently sent out and "realize that our current policies are not productive and if anything are hugely expensive and many ways counter productive from their stated objectives."

Some supporters of the young-est board member see Tryon as Thomas Jefferson.

"Tom is ahead of his time. He sees things before they are implemented," said Roxie R. Barnes, an avid supporter of the supervisor. She believes 20 years from now, people will realize Tryon was right.

"If we threw out a man with a new idea we'd be stuck in status quo. And status quo isn't quite cutting it," she said.

But the Rev. Gary Lucht, one of five organizers of the recall petition, feels Tryon's statements do not represent a majority of his constituents.

"The Libertarian platform is a

positive one but many may not agree with his philosophy when it comes to laws and controls of abuses," he said.

Tryon knew when he decided to run for office last year that he might meet opposition. "You have to elect somebody to make the votes and speeches to bring about change. You aren't going to do it through a prayer vigil on top of a hill," he said.

The foundations on which America were founded are basic revolutionary ideals, Tryon claims. Current policies should respect the individual and maintain those basic freedoms, he said.

"I don't care if it's the Republicans or Democrats or Libertarians (who maintain those policies) but the Libertarians are the only alternative currently available and that's why I'm a Libertarian."



Libertarian Party
of California

1985 MEMBERSHIP APPLICATION

I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals.

Signature _____ Date _____

☐ California Membership (\$15) or ☐ Combined California & National Membership (\$30) ☐ Additional Donation \$ _____

Send completed form with payment to: Treasurer, Libertarian Party of California,
4919 Alatar Dr., Woodland Hills, CA 91364. Thank you!

TOTAL ENCLOSED \$ _____

Name _____

☐ Please charge to my: ☐ VISA ☐ MasterCard

Address ☐ h ☐ w _____

Card # _____ Expiration Date _____

City/State _____ Zip _____

Name on Card _____

Home Phone _____ / _____ Work Phone _____ / _____

Signature _____

Please make necessary corrections on above information.

LOCAL EVENTS & CONTACTS

(compiled by Bill Evers)

Alameda	THU, Sept. 12	Quarterly Dinner	Chair, Fred Foldvary	415/548-3776
			Contact David Simons	415/449-6643
Butte	WED, Aug. 7		Chair, Mark Sweany	916/345-9970
Contra Costa		No Meeting in August	Chair, Hugh McLean	415/234-7809
Fresno			Chair, Bob Subers	209/299-7294
Kern			Chair, Craig Gifford	805/832-6231
Lake			Chair, Randall Grindle	707/994-4817
Marin	WED, Aug. 7	Jonathan Marshall, "Star Wars"	Chair, Tom Jacobsen	415/924-5246
Monterey			Chair, Bob Ratto	408/424-9346
Nevada			Interim Chair, Jim Hosbein	916/273-9174
Orange	TUE, Aug. 6	Dick Boddie, "Introduction to Libertarianism"	Chair, Sharon Ayres	714/966-1211
Placer			Chair, Bruce Daniel	916/663-2568
Riverside	THU, Aug. 15	Discussion Meeting	Chair, Ron Holman	714/684-5218
	WED, Aug. 28	Chris Brown, "Trends in the Peace & Nuclear Freeze Movements"		
Sacramento	TUE, Aug. 13	Business Meeting	Chair, Eric Phelps	916/338-0290
San Bernardino	WED, Aug. 28	Chris Brown, "Trends in the Peace & Nuclear Freeze Movements"		
			Chair, Brian Bishko	714/792-4037
San Diego	WED, Aug. 21	Executive Committee Meeting	Chair, Pat Wright	619/238-0913
	TUE, Aug. 27	Marshall Fritz, "Five Propulsion Factors on the Road to Self Government"		
San Francisco			Contact: Dick Rider	619/276-7166
San Joaquin			Chair, Ann Justi	415/864-0952
San Mateo	THU, Aug. 15	Dinner Meeting	Chair, George Schwappach	209/334-5948
Santa Barbara			Contact Dave Bell	415/365-9102
Santa Clara		Patrick Cox	Chair, Jan Bellamy-Genee	805/965-7821
Santa Cruz	Sept. 16 - 22	County Fair Booth	Chair, Jim Wilson	408/CRY-FREE
Solano			Chair, Tim Kilburn	408/688-1376
Sonoma			Chair, Mark Moberg	707/864-1673
Tulare			Chair, Jim Oglesby	707/823-5261
Ventura	THU, Aug. 1	Norma Jean Almodovar, "Rights to Use of Your Body"	Chair, Vicky Daley	209/686-1761
61 - San Fernando Valley		No Meeting in August	Chair, George Hasara	805/525-6321
62 - West LA	THU, Sept. 19	Carol Moore, "Secede and Survive"	Regional Message Center	818/705-6496
63 - Foothills		No Meeting in August	Chair, Neal Donner	213/477-6462
64 - Central LA		No Meeting in August	Chair, Steve Malmberg	213/257-9491
65 - Downey	WED, Aug. 14	Business Meeting	Chair, Laurel Fest	213/254-1776
66 - South Bay		No Meeting in August	Chair, Marty Swinney	213/699-3128
67 - East San			Chair, Dave Nichols	213/644-3712
Gabriel	SUN, Aug. 18	Box Lunch and Yard Sale at Mary-Jo McConnaghy's	Chair, Gail Lightfoot	714/599-1627
	WED, Aug. 28	Chris Brown, "Trends in the Peace & Nuclear Freeze Movements"		

California Libertarian News

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Fountain Valley, California 92708

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